

State of Missouri
Office of Administration
Division of Purchasing and Materials Management

VENDOR MANUAL

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This manual reflects the policies and procedures of the Division of Purchasing and Materials Management (DPMM) in effect as of the date of publication. The DPMM reserves the right to make modifications to this manual by publication of a revised edition without prior notice. Such modifications will become effective on the date of issuance.

In the event of a conflict between this manual and procurement documents issued to vendors, the provisions of the procurement documents govern. The policies and procedures stated in this manual shall not be construed as an interpretation of state or federal laws or regulations.

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INTRODUCTION

The purpose of this manual is to assist interested vendors in doing business with the State of Missouri. This manual provides information about the purchasing policies and procedures utilized by the Division of Purchasing and Materials Management (DPMM) in the procurement of supplies, equipment, and services.

All qualified vendors are invited to become a participant in the competitive procurement process.

Please feel free to request additional information by calling or writing to:

**Office of Administration
Division of Purchasing & Materials Management
Truman State Office Building, Room 630
P.O. Box 809
Jefferson City, MO 65102**

TELEPHONE: (573) 751-2387

FAX: (573) 526-5985

E-MAIL: Purchmail@oa.mo.gov

If you prefer to visit the office of the DPMM, we recommend you schedule an appointment to efficiently utilize the time of both buyer and vendor. Also, you may visit our Internet homepage at <http://www.oa.mo.gov/purch/purch.htm>. We encourage you to register as a vendor on the State of Missouri's On-Line Bidding website, <https://www.moolb.mo.gov>. Thank you for your interest and we look forward to doing business with you in the future.

TERMINOLOGY

The DPMM's standard definition of bidder is "the person or organization that responds to an Invitation for Bid (IFB) by submitting a bid"; and the standard definition of offeror is "the person or organization that responds to a Request for Proposal (RFP) by submitting a proposal".

However, in this manual the term "bidder" shall be interpreted to include the definition of the term "offeror" unless otherwise noted. Likewise, the term "bid" includes "proposal" unless otherwise noted.

The term "solicitation" shall be interpreted to include the "IFB" procurement method and the "RFP" procurement method.

ORGANIZATIONAL STRUCTURE

The DPMM has the responsibility under law ([Chapter 34 RSMo](#)) to competitively purchase supplies, equipment, and services required by state government. All agencies of state government are served by the DPMM except the University of Missouri, Lincoln University, Linn State Technical College, Truman State University, Southwest Missouri State University, Central Missouri State University, the

Department of Transportation (data processing, telecommunications, and printing procurements fall under DPMM), the State Lottery, the Judiciary, and the General Assembly.

The DPMM is not responsible for bidding and awarding construction contracts. Construction contracting is the responsibility of the Office of Administration, Division of Design and Construction, <http://www.oa.mo.gov/dc/dcinet/home.htm>, (573) 751-3339.

Procurement Staff: The professional procurement staff of the DPMM is organized into three distinct procurement sections:

The [Services Procurement Section](#) is responsible for the procurement of professional and general services.

The [Commodities Procurement Section](#) is responsible for the procurement of supplies and equipment.

The [Information Technology Section](#) is responsible for the purchase of data processing & telecommunication equipment and services.

Cooperative Procurement Program: This program provides services for political subdivisions and quasi-governmental entities of the state. Qualified entities may purchase supplies and services from contracts established by the DPMM through this program. Information regarding the Cooperative Procurement Program can be obtained at <http://www.oa.mo.gov/purch/coop.html> or by contacting the Cooperative Procurement Officer at (573) 751-4169.

Recycling Program: This program coordinates the state's effort to conserve natural resources through recycling and the procurement of recycled products. Information on the Recycling Program is available at <http://www.oa.mo.gov/purch/recypro.html> or by contacting the State Recycling Coordinator at (573) 751-3384.

OFFICE OF EQUAL OPPORTUNITY (OEO)

The OEO works closely with the DPMM's procurement staff and provides certification and assistance services to Minority and Women Owned Businesses (MBEs and WBEs) through its Supplier Diversity Program and MBE/WBE Certification Program. Vendors may obtain certification applications and other information at: <http://www.oa.mo.gov/oao> or by telephone at (573) 751-8130 or (877) 259-2963.

MINORITY AND WOMEN OWNED BUSINESSES (MBEs AND WBEs)

Per Executive Order 98-21, "all state agencies shall continue to make every feasible effort to increase the percentage of goods and services procured from certified minority and women-owned businesses (MBEs and WBEs) to 10% and 5%, respectively". On contracts less than \$100,000, the DPMM encourages contractors to utilize certified MBEs and WBEs in selecting subcontractors. On targeted contracts of \$100,000 or greater, the DPMM requires prime contractors to secure participation by a

certified MBE(s) of at least 20% and by a WBE(s) of at least 10% of the total dollar value of the contract.

DELEGATED PURCHASE AUTHORITY

State Agencies: State agencies which are subject to the requirements of Chapter 34 RSMo have been delegated the authority to make most purchases of less than \$25,000 without involving the DPMM.

State Universities and Colleges: Universities and colleges that are subject to the requirements of Chapter 34 RSMo have been delegated the authority to make most purchases.

The state agencies, universities, and colleges must solicit competitive bids for the local purchase requirements in accordance with State of Missouri law and the rules, regulations, and procedures promulgated by the DPMM.

VENDOR REGISTRATION

A registered vendors list is maintained in the state's automated procurement system. Vendors may be added to this list by completing their vendor registration through the State of Missouri's On-Line Bidding website, <https://www.moolb.mo.gov>. Vendors should register for commodity codes to receive e-mail notifications of bidding opportunities through the DPMM and other state agencies. Instructions on how to register and how to respond to a bid on the On-Line Bidding website are available at <http://www.oa.mo.gov/purch/vendorinfo/OLBinstructions.pdf>.

The DPMM will not mail hard copies of bid documents to vendors. All bidding opportunities of the DPMM and some bidding opportunities for other state agencies are posted on the On-Line Bidding website.

The list of registered vendors is also available to the other state agencies for procurements processed under their delegated local authority. Potential bidders are encouraged to contact these state agencies' purchasing offices to obtain information on the bidding opportunities processed under their delegated local authority. A list of State Agencies' Purchasing Staff is available at <http://www.oa.mo.gov/purch/prostaff.html>.

Bidding opportunities for various state agencies may be viewed at <http://www.oa.mo.gov/purch/bidsites.html>.

FOREIGN VENDOR

A foreign vendor, that does not have an Employer Identification Number assigned by the United States Internal Revenue Service (IRS), will need to complete the appropriate IRS W-8 form (found on the <http://www.irs.gov> website) and submit the W-8 form along with contact information (name, phone number, fax number, and e-mail address) to the Office of Administration, Division of Purchasing and Materials Management; Attention: Libby Shivers; PO Box 809; Jefferson City, MO 65101-0809 or, for courier service, 301 West High St., Rm. 630, Jefferson City, MO 65101 prior to or with the submission

of a bid. Once the W-8 has been processed by the state, the foreign vendor will be provided with a tax id number that may be used to register as a State of Missouri vendor through the On-Line Bidding website (<https://www.moolb.mo.gov>).

A foreign vendor, that has an Employer Identification Number assigned by the IRS, will not need to complete an IRS W-8 form. This foreign vendor may register as a vendor with the State of Missouri through the On-Line Bidding website by using the Employer Identification Number assigned by the IRS.

When a foreign vendor submits a bid, the foreign vendor should attach a note to the front page advising DPMM whether (1) a W-8 form was submitted prior to submission of the bid, (2) a completed W-8 form is included with the bid, or (3) if registered with the State of Missouri through the On-Line Bidding website using the Employer Identification Number assigned by the IRS.

BUSINESS COMPLIANCE

A vendor must be in compliance with the laws regarding conducting business in the State of Missouri. The compliance to conduct business in the state shall include but may not be limited to:

Registration of business name (if applicable)

Certificate of authority to transact business/certificate of good standing (if applicable)

Taxes (e.g., city/county/state/federal)

State and local certifications (e.g., professions/occupations/activities)

Licenses and permits (e.g., city/county license, sales permits)

Insurance (e.g., worker's compensation/unemployment compensation)

VENDOR TAX COMPLIANCE

Pursuant to 34.040 RSMo state agencies, including DPMM, shall not contract for goods or services with a vendor if the vendor or an affiliate of the vendor makes sales at retail of tangible personal property or for the purpose of storage, use, or consumption in Missouri but fails to collect and properly pay the tax as provided in chapter 144, RSMo. An "affiliate of the vendor" shall mean any person or entity that is controlled by or is under common control with the vendor, whether stock ownership or otherwise.

VENDOR SUSPENSION AND DEBARMENT

A vendor suspension is an exclusion from contracting with the state for a temporary period of time. A vendor may be suspended from participation in the DPMM procurement process for violation of responsible business practices or unsatisfactory performance. The suspension period may be for a period up to 180 days for a first violation and for not more than a year for subsequent violations. Any bids submitted by the suspended vendor shall not be considered. The vendor will be mailed a formal

notice outlining the reason(s) and the effective period of the suspension. The vendor may appeal the suspension to the DPMM Assistant Director in writing within fourteen (14) calendar days after receipt of notification. The vendor must provide specific evidence and reasons why suspension is not necessary. On the basis of this information, the suspension may be modified, rescinded, or affirmed. The decision shall be final and mailed to all parties. **At the end of the vendor's suspension period, it is the vendor's responsibility to submit a request in writing to be reinstated.**

A vendor debarment is an exclusion from contracting with the state for an indefinite period of time. A vendor may be debarred from participation in the DPMM procurement process after multiple suspensions or for a single incident of serious misconduct. The debarment period may be for an indefinite period of time when, in the DPMM Director's sole discretion, it is in the best interest of the state to do so. Any bids submitted by the debarred vendor shall not be considered. The vendor will be mailed a formal notice outlining the reason(s) for the debarment and any action the vendor must take in order to be found eligible to be reinstated. Debarment appeals must be filed with the Commissioner of Administration within fourteen (14) calendar days after receipt of notification. The vendor must provide specific evidence and reasons why the debarment should be reversed. The commissioner's determination shall be final and shall be mailed to all parties involved.

TYPES OF PURCHASES

Generally, the DPMM processes the following types of purchases.

Individual Purchases: The DPMM processes numerous individual procurements for specific state agencies. A firm, fixed price is requested for a fixed quantity with single or multiple delivery dates. A purchase order is issued to the successful bidder.

Scheduled/Consolidated Purchases: The DPMM establishes schedules for consolidated purchases of certain commodities such as food, clothing, etc. State agency requirements may be consolidated for delivery to a single location or each state agency's requirements may be listed separately for separate deliveries. A purchase order is issued to the successful bidder.

Statewide Term Contracts: The DPMM establishes statewide term contracts for commodities or services commonly used in volume by state agencies and political subdivisions and quasi-governmental agencies. The contracts are awarded for a definite period of time, usually one year. The contracts are utilized on an as needed, if needed basis and impose no specific quantity usage obligation upon the State of Missouri. Receipt of the contract does not authorize shipment. Shipment is authorized by receipt of a purchase order from a state agency or authorized entity.

State Agency Term Contracts: The DPMM establishes term contracts for estimated quantities for specific products or family of products or services for use by a specific state agency. The contracts are awarded for a definite period of time, usually one year. Receipt of the contract does not authorize shipment or performance. Shipment/performance is authorized by receipt of a purchase order from the state agency.

Blanket Contracts: The DPMM establishes blanket contracts, also known as “convenience contracts”, for use by state agencies in a general locale to procure a particular family of products. Normally, these contracts are based on a discount from a price list or schedule identified in the contract.

Cooperative Procurement: Political subdivisions and quasi-governmental entities are authorized by law to purchase, at their option, equipment, supplies, and services through certain contracts established by the DPMM. The State of Missouri is not liable for orders placed by political subdivisions and quasi-governmental entities through the Cooperative Procurement Program.

PROCUREMENT METHODS

All purchases over \$3,000 are subject to competitive procurement requirements. For all purchases of \$25,000 or more, a formal, sealed, and advertised procurement method is required. The DPMM uses three (3) basic types of procurement methods. Other methods may be used as deemed in the best interest of the State of Missouri. The three procurement methods are:

An Invitation for Bid (IFB) is a formal request for sealed bids. The document will contain standard technical specifications of a specific nature and a formal bid opening date and time with which the bidder must comply in order to be considered for award. Subjective evaluation criteria may be used in an IFB.

A Request for Proposal (RFP) is used for complex requirements that preclude the use of specific specifications or requirements. An RFP will contain functional specifications for which the offeror must respond with a sealed proposal. A formal proposal opening date and time will be specified. Subjective evaluation criteria may be used to select a contractor. Negotiations may be conducted with those offerors who submit potentially acceptable proposals.

A Single Feasible Source is used when the goods or services are proprietary and only available from the manufacturer or a single distributor. This method may also be used to take advantage of special, limited-time discounts from a single distributor and, based on past procurement experience, it is determined that only one distributor services the region in which the supplies are needed.

OPEN AND FAIR COMPETITION

It is the intent and purpose of the DPMM that specifications permit free and open competition. The vendor has a responsibility to notify the DPMM if, in his/her opinion, any language or requirement inadvertently restricts the purchase to a single source. Such notification should be received by the DPMM buyer at least ten (10) calendar days prior to any official opening date. A review of the notification will be made by the DPMM and its decision will be final.

Vendors should be aware that the DPMM constantly monitors all procurement activities to detect any possibility of deliberate restraint of competition, collusion, price-fixing, or any other anti-competitive conduct that appears to violate state and federal antitrust laws. Any suspected violations will be referred to the Missouri Attorney General’s Office for appropriate action.

In addition, employees of the DPMM, evaluators, and any other persons involved in procurement decisions are prohibited from accepting for personal benefit: gifts, meals, trips, or any other item of significant value or of a monetary advantage from a vendor.

NOTIFICATION OF PROCUREMENTS

To receive bidding opportunity e-mail notifications for bids posted on the State of Missouri's On-Line Bidding website, vendors must register on the [On-Line Bidding website](#) for the commodity codes that represent the product(s)/service(s) they provide. Reference **Vendor Registration** section of the Vendor Manual. Neither verbal requests to receive notification nor previous contractual relationships with the state shall guarantee a vendor notification.

Any requirement for supplies, equipment, or professional services estimated to be valued at \$25,000 or more is advertised in at least two daily newspapers of general circulation.

All solicitation requests, bid responses, and award results are available on the [State of Missouri's On-Line Bidding website](#). Single Feasible Source purchases are posted at <http://www.oa.mo.gov/purch/vendorinfo/sfsindex.html>.

Vendors without direct Internet access may review documents on-line through most public libraries or in the lobby area of the DPMM's office located at 301 West High Street, Room 630; Jefferson City, MO.

AMENDMENTS TO A SOLICITATION

The DPMM reserves the right to officially modify or cancel a solicitation after issuance. Such a modification will be identified as an amendment and numbered in a sequential manner when issued. **Registered vendors** who received e-mail notification of the bid opportunity from the state's On-Line Bidding system when the bid was established and **bidders** who have responded to the bid on-line prior to the amendment being issued will receive e-mail notification of the amendment. Following notification of each amendment, the bidder should download the entire official bid document from the [On-Line Bidding website](#) to view all changes made to the solicitation.

SECURITY DEPOSIT, PERFORMANCE DEPOSIT, AND SURETY BOND

If a bid security deposit is required, the amount and type of deposit will be identified in the solicitation document. The bid security deposit should be attached to the bid, included within the sealed envelope or container, and received prior to the bid opening date and time. If a bid is submitted electronically, the bid security deposit must be sent to the DPMM and should be received prior to the bid opening and evaluation of the bid. Failure to submit a bid security deposit within the stipulated timeframe will result in rejection of the bid. The bid security deposit guarantees that the successful bidder will accept a contract or purchase order. Failure to accept the contract and/or submit a performance deposit as required, will cause the amount of the bid security deposit to be forfeited to the State of Missouri. Bid security deposits of unsuccessful bidders will be returned after the award is made. The bid security deposit of the successful bidder will be held until the performance security deposit is received.

If a performance security deposit is required, the amount, type and due date will be identified in the solicitation document. Failure to perform the requirements of the contract will cause the amount of the performance security deposit to be forfeited to the State of Missouri.

If a surety bond is required, the amount must equal the total cost of all equipment, supplies and services provided by all suppliers and subcontractors to the contractor in fulfilling the requirements of the contract, and for all labor performed in such work whether by subcontractor or otherwise. The contract number and contract period must be specified in the bond and the bond must be made payable to the State of Missouri. The surety bond must be provided in the form of an original bond issued by a surety company authorized to do business in the State of Missouri (no copy or facsimile shall be acceptable) to the DPMM within thirty (30) days after award of the contract and prior to performance of service under the contract or any installation of equipment. A surety bond guarantees payment of all labor, suppliers and subcontractors providing equipment and/or services to the contractor as a part of the contract in accordance with the requirements of RSMo Section 107.170.

PREVAILING WAGE

If required in the solicitation, the contractor shall comply with Section 290.250 RSMo by paying, to all personnel employed for applicable services actually provided under the contract, not less than the prevailing hourly rate of wages as determined by the Department of Labor and Industrial Relations, Division of Labor Standards.

BUY AMERICAN PREFERENCE

In accordance with the Domestic Product Procurement Act (hereinafter referred to as the Buy American Act) RSMo 34.350-34.359, the bidder is advised that any goods purchased or leased by any public agency shall be manufactured or produced in the United States, unless exceptions to the Buy American mandate in RSMo 34.353 are met. Preferences shall be applied in accordance with RSMo 34.353.

BUY MISSOURI PREFERENCES

Pursuant to 34.070 and 34.073 RSMo, preferences must be given to all commodities and tangible personal property manufactured, mined, produced or grown within the state of Missouri and to all firms, corporations or individuals doing business as Missouri firms, corporations, or individuals, or which maintain Missouri offices or places of business, when quality is equal or better and delivered price is the same or less, quality of performance promised is equal or better and the price quoted is the same or less, or when competing bids, in their entirety, are comparable.

A Missouri product refers to goods or commodities, which are manufactured, mined, produced, or grown by companies in Missouri, or services provided by such companies in Missouri.

Pursuant to 34.076 RSMo, the contractor or bidder domiciled outside the state of Missouri shall be required, in order to be successful, to submit a bid the same percent less than the lowest bid submitted by a responsible Missouri contractor or bidder for public works or product valued at \$5,000 or more as would be the same for a Missouri contractor or bidder to succeed over the bidding contractor or bidder

in a like contract or bid in the bidding contractor's or bidder's domiciliary state. The contractor or bidder domiciled outside the state of Missouri must submit an audited financial statement as would be required of a Missouri contractor or bidder on a like contract or bid in the contractor's or bidder's domiciliary state.

Pursuant to 34.080 RSMo, a preference must be given to coal mined in the state of Missouri or an adjoining state if the cost is not greater than the delivered cost of coal mined in any other state or states.

MISSOURI CALCIUM INITIATIVE

Pursuant to 34.375 RSMo, a preference shall be given to food or beverages purchased for the purpose of being processed or served in a state-owned or operated building or room and which contain a higher level of calcium than products of the same type and nutritional quality and are equal to or lower in price than products of the same type and nutritional quality. If the purchase of the high calcium food or beverage would interfere with the proper treatment and care of a patient, purchase of the high calcium food or beverage is not required.

ORGANIZATIONS FOR THE BLIND AND SHELTERED WORKSHOPS

Pursuant to 34.165 RSMo, a five-bonus point bidding preference must be applied to bids for those supplies manufactured, produced or assembled by qualified nonprofit organizations for the blind established pursuant to 41 U.S.C. sections 46 to 48c and by sheltered workshops holding a certificate of approval from the Department of Elementary and Secondary Education pursuant to section 178.920 RSMo. This preference applies to qualified organizations both within and outside the State of Missouri.

PRE-BID CONFERENCES

Occasionally, the nature and complexity of a particular solicitation will necessitate a conference with potential bidders prior to the submission of bids to ensure the clarity of the requirements. The specific date, time, and place of the pre-bid conference will be announced in the solicitation document.

Potential bidders should bring a copy of the solicitation document since it will be used as the official agenda of the conference. During a pre-bid conference, potential bidders are encouraged to ask questions concerning the requirements of the solicitation document and the bid submission process. Attendance at the conference will be at the potential bidder's own expense.

SOLICITATION QUESTIONS

All questions must be directed to the buyer whose name appears on the front page of the solicitation document unless the solicitation specifically refers the bidder to another contact. Questions may be e-mailed, mailed or faxed to the buyer when time permits. Such communication should be received at least ten calendar days prior to the official bid opening date. The buyer may require any and all questions to be submitted in writing. Any questions related to a solicitation should refer to the

appropriate solicitation number, page, and paragraph number, etc. However, do not place the solicitation number on the outside of the envelope containing any written correspondence pertaining to questions about the solicitation. Such an envelope will be identified as a sealed bid and will not be opened until the official bid opening date and time.

SUBMISSION OF A FORMAL SEALED BID

Unless otherwise noted in the solicitation document, bids may be submitted either electronically through the State of Missouri's On-Line Bidding website or hard copy delivered to the DPMM's office as specified in the solicitation document. All bids must (1) be submitted by a duly authorized representative of the bidder's organization; (2) contain all information required by the solicitation; and (3) be priced as required. **Delivered bids must be sealed in an envelope or container, received in the office of the DPMM (301 West High Street, Room 630; Jefferson City, MO) and officially clocked in by DPMM staff no later than the exact opening time and date as specified in the solicitation.**

NOTE: Bid opening time is based on the Central Time Zone.

The sealed envelope or container should be clearly marked on the outside with the official solicitation number and the official opening date and time. If multiple containers are submitted, they should be numbered and the container with the original bid should be identified.

FORMAL SEALED BID MODIFICATIONS AND CANCELLATIONS

A bid submitted electronically may be modified on-line prior to the official opening date and time. A bid that has been delivered to the DPMM office may be modified by signed, written notice that has been received by the DPMM prior to the official opening date and time specified. A bid may also be modified in person by the bidder or an authorized representative, provided proper identification is presented before the official opening date and time. Telephone or telegraphic requests to modify a bid will not be honored.

A bid submitted electronically may be canceled on-line prior to the official opening date and time. A bid that has been delivered to the DPMM office may only be withdrawn by a signed, written notice or facsimile which has been received by the DPMM prior to the official opening date and time specified. A bid may also be withdrawn in person by the bidder or its authorized representative, provided proper identification is presented before the official opening date and time. Telephone, e-mail, or telegraphic requests to withdraw a bid will not be honored.

After the official opening date and time of an IFB, no change in the bid pricing or other provisions of the bid shall be permitted. However, if all bids are non-responsive or otherwise unacceptable and circumstances do not permit a re-bid, the DPMM may negotiate for the required supplies. In the case of an RFP, proposal modifications may be permitted as a result of the negotiation process (provided that negotiations are conducted) through the submission of a best and final offer.

RECEIPT AND OPENING OF FORMAL SEALED BIDS

The public is invited, but not required, to attend the formal opening of bids. At IFB openings, bidders' names and prices will be read aloud. At RFP openings, only the offerors' names will be read. No decisions related to an award of a contract or purchase order will be made at the opening. The same bid response information is available on the State of Missouri's On-Line Bidding website.

LATE SUBMISSIONS

Formal sealed bids received after the date and time set for the opening of bids shall be considered late, regardless of the degree of lateness, and normally will not be opened. However, late bids may be opened under extraordinary circumstances as defined in the [DPMM rules and regulations](#) (1 CSR 40-1.050 Procedures for Solicitation, Receipt of Bids, and Award and Administration of Contracts).

EVALUATION PROCESS

This section is presented so vendors may gain insight into the evaluation process. However, the DPMM does reserve the right to waive or modify the evaluation process described herein if deemed in the best interest of the State of Missouri.

Vendors shall not contact or lobby evaluators during the evaluation process.

The DPMM is responsible for (a) the selection of evaluators; (b) the evaluation of bids; (c) the selection of the successful bidder(s); and (d) the award of contract(s). The DPMM may either conduct the evaluation itself or appoint persons to evaluate and to make a recommendation for contract award. At its sole discretion, the DPMM may accept or reject the evaluators' recommendation, seek additional advice from others, re-evaluate, or reject all bids.

The evaluation will be conducted in accordance with the evaluation criteria as published in the solicitation document. The evaluation criteria may include responsibility, qualification and capability of bidder, price, and other relevant factors.

In evaluation of bids, the DPMM reserves the right, in the best interest of the State of Missouri, to reject any and all bids and to waive any minor informality or irregularity in the bids submitted.

OFFSHORE SERVICES

Pursuant to Executive Order 04-09, each vendor submitting a bid to the State of Missouri shall be required to provide certification of the location where the contracted services are to be performed, and whether the vendor contemplates any of the work necessary to provide the contracted services being performed offshore.

If during the term of the contract, the contractor or subcontractor has certified that work will be performed in the United States and proceeds to shift work outside of the United States, the contractor

shall be deemed in breach of contract, unless the Office of Administration has determined in writing that extraordinary circumstances require the shift of work or that a failure to shift the work would result in economic hardship to the State of Missouri.

No contract shall be awarded to a vendor who contemplates performing work (or having a subcontractor perform work) pursuant to the contract at a site outside the United States, or does not provide disclosures as required above, unless one of the following conditions is met:

1. The vendor or its subcontractor provides a unique good or service; the particular good or service is deemed mandatory for the purposes of the purchasing agency; and no comparable domestically-provided good or service can adequately duplicate the unique features of the good or service provided by the vendor or its subcontractor; or
2. The vendor or its subcontractor is a foreign firm hired to market Missouri services or products to a foreign country; or
3. A significant and substantial economic cost factor exists that outweighs the economic impact of providing the function or professional services within the United States, such that a failure to use the vendor or subcontractor's services would result in economic hardship to the State of Missouri; or
4. The vendor or its subcontractor maintains a significant business presence in the United States and only performs a trivial portion of work under the contract outside of the United States.

CONTRACT AWARD

Contract awards or purchase orders will be made to the lowest and best bidder in accordance with the evaluation criteria published in the solicitation document. The DPMM reserves the right to make multiple awards.

Purchase orders will be issued by use of a separate purchase order form.

Upon request of the Missouri company who applied for but was not awarded a state contract, the DPMM shall prepare a written explanation within 20 days of the award explaining why the Missouri manufacturer or service provider did not receive the award.

PUBLIC NOTICE OF AWARDS

E-mail notification of award decisions will be sent to each bidder who provides an e-mail address when submitting their bid. Telephone requests for results are discouraged.

Award results are available on the [State of Missouri On-Line Bidding website](#).

Bidders are permitted and encouraged to review competitors' bids and evaluation documents after the selection and award process is completed. Such a review may be conducted by accessing the DPMM's [Public Record Search and Retrieval System](#) or by appointment in the office of the DPMM.

CONTRACTUAL RELATIONSHIPS AND PERFORMANCE

Once a contract is awarded by the DPMM, the contractor will begin to work directly with the personnel of the state agency for whom the supplies, equipment, and/or services were purchased. The state agency is responsible for (a) coordinating activities between the State of Missouri and the contractor; (b) fulfilling any obligations that the State of Missouri may have to the contractor; (c) assessing the performance of the contractor; and (d) making payment to the contractor.

The DPMM does not normally become involved in such matters except in cases of default by the contractor, in cases where the contract must be modified, or when specific contract requirements stipulate direct reporting to the DPMM. However, if problems are encountered in the interpretation, coordination or performance of a contract, the contractor should feel free to contact the DPMM for assistance in clarifying the relationship.

If additional supplies, equipment, and services not covered by the contract are delivered or performed, the contractor must clearly understand that **no** additional compensation will be paid to the contractor unless such changes have been approved by the DPMM in the form of an official amendment to the contract prior to actual performance or delivery by the contractor.

The contractor must not assume that a contract containing a renewal option will be renewed. The contract will automatically expire unless the state agency notifies the DPMM in writing that such supplies, equipment, and/or services are needed for an additional period of time. Even if the state agency requests such an extension, the DPMM may either extend the current contract or seek competitive bids. This decision may depend upon changes in the marketplace developments, cost of the extension, and many other factors.

The contract number given by the DPMM should be used in all correspondence, invoices, and communications. By doing so, an inquiry can be answered in a more expedient manner.

PAYMENT PROCEDURE

After delivery and acceptance, the contractor must prepare and submit an invoice for payment to the state agency specified in the purchase order. The invoice should reference the State of Missouri purchase order number. Vendors and contractors can expedite payment by preparing and mailing invoices in strict accordance with the instructions given on the purchase order or contract. Do not send the invoice to the DPMM as this will result in the delay of payment since invoices will be returned to the contractor. For large orders requiring partial or periodical deliveries and involving sizable amounts of money, separate invoices may be submitted for each delivery.

Section 34.055 RSMo provides for a late payment penalty on invoices that are not paid within 45 days after delivery or invoice approval whichever is later.

The contractor shall understand and agree the state reserves the right to make contract payments to the contractor through automated clearinghouse (ACH)/electronic funds transfer (EFT). Therefore, prior to

any payments becoming due under the contract, the contractor must return a completed state Vendor ACH/EFT Application that is downloadable from the following website: <http://www.oa.mo.gov/purch/vendorinfo/vendorach.pdf>. Upon approval of the application, the contractor will be eligible to receive ACH/EFT transactions in approximately 30 days.

Each contractor invoice must contain a unique invoice number. The invoice number will be listed on the state's EFT addendum record to enable the contractor to properly apply state payments to invoices. The contractor must comply with all other invoicing requirements stated in the solicitation document.

AWARD PROTEST PROCEDURES

A bid award protest must be submitted in writing and must be received by the Assistant Director of DPMM within ten (10) calendar days after the date of award. If the tenth day falls on a Saturday, Sunday, or state holiday, the period shall extend to the next state business day. A protest submitted after the ten (10) calendar day period shall not be considered. The written protest should include the following information: (1) name, address, and phone number of the protester; (2) signature of the protester or the protester's representative; (3) solicitation number; (4) detailed statement describing the grounds for the protest which includes the specific mandatory solicitation requirement(s) that are in dispute; and (5) supporting exhibits, evidence, or documents to substantiate the claim.

TIPS ON DOING BUSINESS WITH THE STATE OF MISSOURI

- Register as a vendor and maintain your vendor profile on the State of Missouri's On-Line Bidding website. Remember to register for commodity codes to receive email notification of bidding opportunities.
- Download solicitation documents in their entirety, including all attachments. Read solicitation documents thoroughly including the terms and conditions. Be sure you understand all the requirements. If you don't, contact the buyer for clarification.
- When submitting bids be sure to follow instructions. Submit all required information. Be sure your bid is legible.
- Be sure that your bid is sent to arrive in the DPMM office before the specified opening date and time.
- Follow up on submitted bids by monitoring the DPMM website and the State of Missouri's On-Line Bidding website. Find out who won the award, the prices, and other information. Review the evaluation report.
- Get to know the local purchasing needs of the various state agencies. Ask to be placed on their vendor contact list for small purchases and their recommended vendor list for large purchases.
- Review bid notices on the State of Missouri's On-Line Bidding website and advertisements in newspapers.
- Have a good reputation for service, quality product, and reliability.
- Ask questions.